

Direct-Hire Authority

Introduction

The Chief Human Capital Officer Act of 2002 (Title XIII of the Homeland Security Act and codified at 5 U.S.C. § 3304) provides you with the authority to appoint candidates directly to jobs for which OPM determines there is:

1. A severe shortage of candidates, or
2. A critical hiring need.

How is direct-hire authority initiated

Direct-hire authority may be initiated by:

- OPM may decide, independently, that a severe shortage of candidates or a critical hiring need exists, either Governmentwide or in specific agencies, for one or more occupational series, grades (or equivalent), or geographic locations; **or**
- A written request submitted by the agency's Chief Human Capital Officer (or equivalent) at the agency headquarters level to OPM identifying the position(s) for which it believes a severe shortage or a critical hiring need exists. The agency must include relevant evidence to support its request.

Direct-hire authority coverage

Direct-hire authority is issued for a permanent or nonpermanent position or group of positions in the competitive service at GS-15 (or equivalent) and below. This authority may be issued for one or more of the following:

- Occupational series;
- Grades (or equivalent); and
- Geographical location.

Impact on competitive requirements

Direct-hire authority permits hiring without regard to sections 3309 through 3318 of title 5, including the following competitive requirements:

- Veterans' preference;
- "Rule of three;" and
- Rating procedures.

Legal compliance

Direct-hire authority must comply with:

- Public notice requirements under 5 U.S.C. §§ 3327 and 3330;
- Career transition requirements (CTAP/ICTAP) under 5 CFR Part 330; and
- Basic qualification requirements for the position (5 CFR Part 338).

Definition of severe shortage of candidates

A severe shortage of candidates for a particular position or group of positions means that an agency having difficulty identifying candidates possessing the competencies or the knowledge, skills, and abilities required to perform the job requirements despite extensive recruitment, extended announcement periods, and the use, as applicable, of hiring flexibilities such as recruitment or relocation incentives or special rates.

Justification for severe shortage of candidates

You must provide justification that demonstrates a severe shortage of candidates for a job or group of jobs exists. The information must show candidates with the required competencies for the job cannot be found despite:

- Extensive recruitment efforts;
- Extended announcement periods; and
- Use of hiring flexibilities (see [Chapter 3](#), Recruitment for more information concerning recruitment tools such as recruitment and retention bonuses, if applicable).

Evidence of a severe shortage

The information you can use to support the justification for severe shortage of candidates can be from sources such as:

- Demonstrated recruitment efforts;
- Strategic human resources management plans that forecast workforce needs;
- Relevant analyses made in connection with workforce planning efforts;
- Labor market data; and
- Employment Trends.

OPM issued direct-hire authority

In an effort to establish that conditions exist for direct-hire authority, OPM will also consider:

- Whether a nationwide or geographical skills shortage exists;
- Extent to which positions are located in an undesirable geographic location;
- Requirement of the incumbent to perform onerous or undesirable duties; and
- Requirement of the incumbent to work under extraordinary or extreme conditions.

Definition of critical hiring need

A critical hiring need for a particular position or group of positions means that an agency has a need to fill the position(s) to meet mission requirements brought about by circumstances such as, but not limited to, a national emergency; threat; potential threat; environmental disaster; or unanticipated or unusual event or mission requirement; or to conform to the requirements of law, a Presidential directive, or Administration initiative.

Critical hiring need

A critical hiring need to fill the job can be brought about by an exigency such as:

- A national emergency;
- Threat or potential threat;
- Environmental disaster; or
- Other unanticipated or unusual events or mission requirements.

Examples of triggers for critical hiring need

Some examples of exigencies that would justify the need for using direct-hire based on critical hiring need are:

- Requirement of law, Presidential directive, or Administration initiatives;
- Congressional or other mandate to meet new or expanded mission requirements by a particular date.

Evidence of a critical hiring need

When requesting approval for direct-hire authority, agencies must:

- Identify the position(s) that must be filled;
- Describe the events or circumstances that have created the need to fill the position;
- Describe how filling the job is critical to the agency's mission;
- Specify the duration for which the critical hiring need is expected to exist; and
- Explain why using other hiring authorities is impracticable or ineffective.

Where to submit a request for Direct-Hire Authority

You must submit your request and supporting documentation to the Associate Director for Strategic Human Resources Policy Division. You should mail or fax your request to:

Associate Director
For Strategic Human Resources Policy
Office of Personnel Management
1900 E Street, NW, Room 6500
Washington, DC 20415
Fax: 202-606-2329

Documenting personnel actions

When documenting direct-hire authority appointments on the SF-50/52, *Notification of Personnel Action or Request for Personnel Action*, you must use two Nature of Action authority codes:

For agency-specific direct-hire authority use:

- **AYM** as the 1st authority, identifying the appointing under 5 CFR Part 337; and
- **BYO** as the 2nd authority, identifying the agency-specific direct-hire authority.

Note: A list of agency specific direct-hire authorities is located on OPM's web site at <http://www.opm.gov/DirectHire/index.asp>.

For Governmentwide direct-hire authority use:

- **AYM** as the 1st authority, identifying the appointing under 5 CFR Part 337; and
- A 2nd authority, unique to each new Governmentwide direct-hire authority, which will be issued by OPM. These authority codes are located in the "Guide to Processing Personnel Actions" on OPM's web site at <http://www.opm.gov/feddata/gppa/gppa.asp>.

Both authority codes must be used when making direct-hire appointments to enable OPM to evaluate the use of this authority without requiring agency reports.

Note: A list of Governmentwide direct-hire authorities is located on OPM's web site at <http://www.opm.gov/DirectHire/index.asp>. For more information on direct-hire authority visit OPM's web site at <http://www.opm.gov/DirectHire/index.asp>.